

REMARKS**35 U.S.C.112 Rejection**

Claims 1-22 have been rejected under 35 U.S.C.112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9, and 17 recite the limitation "the other" in lines 5, 10, 7, 12, 14 and 19 respectively. In the Office Action, page 2, paragraph 3, the Examiner states: " There is insufficient antecedent basis for this limitation in the claim. Use of the term "other" makes it impossible to discern the structural relationship of the parts of the invention . It is unclear if the second "the other" in the claim is directed to the same "the other" as first claimed or if "the other" is the other end than previously claimed."

It is common for an applicant in drafting claim language for dealing with only two ends of element A, where each of the two ends can alternatively be engaged to an element B with the remaining end of element A being engageable to an element C, to refer to a first connection between element A and element B as being made to "one of" the two ends of element A; and to refer to a second connection between the remaining end of element A and element C, to be referred to as being "the other" of the two ends of element A.

This is generally done without an objection as to antecedent basis, since there is only one "the other" (of the two ends). This language structure allows for a generic claim that includes both of the alternative configurations now shown in Figure 2 and Figure 3 of the drawing. The use of the term "the other" does not make it impossible to discern the structural relationship of the parts of the invention as said claim language is limited to and includes these two alternative configurations.

Moreover, the second “the other” in the claim is directed to the same “the other” as first claimed. If it were referring to an alternative to the other end, it would have referred to “the one ...” to refer to the end addressed in line 3 of claim 1.

Notwithstanding the foregoing, in an effort to clarify the applicant’s intent, “the other” in lines 5, 7 and 14, respectively, of claims 1, 9 and 17, have been amended by changing the initial use in each of said claims to “an other.” These changes have been repeated and made as well in claims 9 and 17. Additionally, claim 17 has also been amended in line 8 to replace “the other side” with “an other side” to be consistent with the changes herein made.

Additionally, the examiner states there is insufficient antecedent basis in claim 9 for the limitation "said means" in line 5. The unnecessary “said” in line 5 of claim 9 has been deleted to overcome the objection based on insufficient antecedent basis.

Reconsideration of claims 1-22 under 35 U.S.C.112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention, is requested in light of the amendments and the arguments presented herein.

Based on the foregoing, applicant requests that Claims 1-22 be allowed.

35 U.S.C. §102 Rejections

Claims 1-22 have been rejected under 35 U.S.C. 102(b) as being anticipated by Driscoll, U.S. Patent No. 2,859,732.

The dog collar described in the Driscoll patent is structurally distinguishable from the instant invention. Each of the independent claims requires a secondary collar section connected to one of the first end and the second end of the primary collar section. The instant invention does not require

that the secondary collar section be connected to *at least one* of the first end and the second end of the primary collar section - only to one of the ends. The Driscoll invention, on the other hand, has the secondary collar section connected to both ends of the primary collar section. Whereas, the secondary collar section of the instant invention is connected to only one end of the primary collar before the means for reversibly connecting is engaged.

As noted in Figures 2, 3 and 5 of Driscoll, the secondary collar is slidably interlaced through each end loops of the primary collar, unlike the instant invention which allows the means for reversibly connecting to open the guidance device, as shown in Figs. 1 and 4, so that it can be wrapped around the neck of the animal much like a belt is wrapped around the body of a human. The Driscoll collar cannot be opened to allow it to be placed around the neck of the animal. The Driscoll collar requires that it be placed over the head of the animal and then slid onto the neck in order for it to be put in place. The capability of the instant invention of being able to be fastened around the neck without first having to be placed over the head is a clear structurally distinguishable advantage over the Driscoll patent.

Each of the independent claims also requires that the means for reversibly connecting have a longitudinal axis and be independent of internal rotation about said longitudinal axis.

As noted in page two of the specification, this feature of a non-swiveling connector (the means for reversibly connecting) acting as part of the collar, eliminates the twisting and impairment of tightening of the collar generally experienced in the prior art. The non-swiveling means for reversibly connecting of the instant invention cannot twist on its own. (Page 3 of the specification. Lines 12-16.) Another advantage inherent in the non-swiveling means for reversibly connecting is that the latch can be easily disposed on the outside of the collar making it readily accessible for easy

disengagement by the pet owner and it keeps the latch from becoming accidentally opened because of contact with the dog's skin. (Page 3 of the specification. Line 21.)

It is these unique advantages, along with the differences claimed in the independent claims, which make this device structurally distinguishable and clearly advantageous over Driscoll.

Reconsideration of Claims 1-22 under 35 U.S.C.102(b) as being anticipated by Driscoll is requested in light of the amendments and the arguments presented herein.

Based on the foregoing, applicant requests that Claims 1-22, as amended, be allowed.

CONCLUSION

For all the above reasons, applicant believes that all the claims presented in this application are allowable over the prior art, and any early allowance of the application is earnestly solicited. Formal drawings will be submitted upon notice of allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael R. McKenna', written over a horizontal line.

Michael R. McKenna
Registered Patent Attorney
Reg. No. 32,368

MICHAEL R. MCKENNA
500 West Madison Street
Suite 3800
Chicago, Illinois 60661
(312) 321-0123

Serial No. 10/648,501

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